

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MATHIEW LOISEL,)
Individually and on behalf of a)
putative class of similarly situated)
persons)

Plaintiff)

vs.)

ROBERT CLINTON,)

RICHARD LIBERTY,)

WELLPATH, LLC,)

MAINE DEPARTMENT OF)
CORRECTIONS,)

RANDALL LIBERTY,)
Commissioner of Maine Department)
of Corrections,)

And)

MATTHEW MAGNUSSON,)
Warden of Maine State Prison)

Defendants)

Civil No. 1:19-CV-00081-NT

JOINT MOTION OF THE PARTIES TO REQUEST A STAY OF PROCEEDINGS

Now come the Plaintiff, Matthew Loisel, and the Defendants, Robert Clinton, MD, Richard Liberty, NP, and Wellpath, LLC, and the Maine Department of Corrections, Randall Liberty and Matthew Magnusson, by and through undersigned counsel, who jointly move with consent of the parties, pursuant to Rule 16 of the Federal Rules of Civil Procedure, for a stay of the proceedings.

On February 21, 2019, Plaintiff filed a complaint against Robert Clinton and Richard Liberty in the above-captioned action. On June 26, 2019, Plaintiff Loisel filed an amended complaint asserting claims against the remaining Defendants, including the Maine Department of Corrections and their contracted medical provider, Wellpath, arising under 42 U.S.C. § 1983, and the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12131 et seq., on behalf of himself and a putative class of inmates diagnosed with the chronic Hepatitis C Virus (“HCV”). (Docket # 26.) The amended complaint concerned the treatment of patients with chronic Hepatitis C, including the Plaintiff, who were in the custody of the Maine Department of Corrections.

Following the filing of Mr. Loisel’s amended complaint, the Parties participated in a Judicial Settlement Conference with the Court. At the close of the settlement conference, held on November 21, 2019, the Parties reached a tentative agreement.

Since that conference in November 2019, the Parties have continued to confer and work together, and have reached an interim agreement that eliminates the need for further litigation in this action at this time. That interim agreement contains certain contingencies that will take time to fully implement, and, as a result, a stay of these proceedings is needed in order to effectuate the terms of the agreement.

Pending execution of the interim agreement, the Parties request a stay of the present action. The Parties anticipate that when the contingencies in the agreement are satisfied, the interim agreement will remain operative through approximately

late October 2021, a term of 16 months. At that time, the Parties expect that this matter will be resolved and a final stipulation of dismissal will be filed with the Court.

“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.” Clinton v. Jones, 520 U.S. 681, 706, 117 S.Ct. 1636, 137 L.Ed. 2d 945 (1997). Here, the Parties move jointly to request this stay, which will allow them sufficient time to fully resolve the pending litigation in the most expeditious manner possible, and in a manner that does not tax the limited resources of the Court.

Wherefore, the Parties request the entry of a stay of proceedings through October 31, 2021, or until such time as any one of the Parties move to lift the stay in accordance with the interim agreement before that date.

Dated at Portland, Maine this 24th day of July, 2020.

/s/ Benjamin J. Wahrer
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CERTIFICATE OF SERVICE

I, Benjamin J. Wahrer, hereby certify that on July 24, 2020, I electronically filed the foregoing Joint Motion of the Parties for a Stay of Proceedings with the Clerk of Court using the CM/ECF system which will send notification of such filings(s) to all parties of record.

/s/ Benjamin J. Wahrer
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